

CITY ATTORNEY ILLEGAL GRADING CASES

Attachment 1
(Page 1 of 2)

Location	Description	Status
Thebes Street	Private property owner began construction of a driveway up a hillside and built a lengthy retaining wall without any permits. Impacts to Steep Hillside and Sensitive Biological Resources.	Owner must comply with civil Final Judgment that requires compliance with Municipal Code. City Attorney monitoring compliance
Princess St.	Private property owner illegally graded coastal property and seeks permits after the fact.	City Attorney negotiating with owner to reach civil settlement
Ogalala St.	Private property owner illegally graded on his property and adjacent properties where Environmentally Sensitive Land and slope grade would require a Site Development Permit	Administrative Order requires owner to revegetate the slope and protect from erosion City Attorney and NCCD are monitoring progress.
East Elliot	Developer illegally graded on environmentally sensitive land located in MSCP	Civil court settlement reached. Developer paid \$60,000 in civil penalties, \$50,000 in bond funds, and \$4327.30 in investigative costs, 1.22 acres is being dedicated to the City and re-vegetation of 1.16 acres of MHPA.
Black Mtn Rd	Private property owner graded a 4.7-acre parcel of land, and developed the parcel with a horticulture nursery without permits.	Civil court settlement reached. Investigative costs of approximately 4,000.00 paid. Fines will be incurred upon noncompliance. Owner has obtained all required final inspections and approvals for the Grading Permit, thereby restoring portions of the nursery sales yard to its original topography. City Attorney is monitoring property owner's efforts to obtain the remaining Building, Plumbing, Electrical, and Sign permits for the parcel.
Caminito Mendiola	Private property owner graded 25 acres of agricultural land and developed the parcels into a plant propagation area without permits. Impacts to Coastal Overlay Zone, Steep Hillside, Sensitive Biological Resources, 100-Year Floodplain, Open Space Easements, and Utility Easements.	City Attorney has filed civil complaint seeking injunction.
Racetrack View Drive	Private property owner graded his backyard and encroached into backyards of both neighbors causing illegal grading on adjacent owners' property as well. Grading done without a permit and destroyed ESL	City Attorney negotiating with owner to reach settlement
Benhurst Ave.	Private property owner graded his own backyard to build decks on hillside and encroached into a neighbor's yard.	Owner has removed the decks. Owner resubmitted geotechnical report according to City's guidelines. Owner has now complied.

CITY ATTORNEY ILLEGAL GRADING CASES

Attachment 1
(Page 2 of 2)

Location	Description	Status
Hillside Dr.	Private property owner graded his backyard without permits.	City Attorney entered into civil settlement which requires owner to obtain proper permits, initiate erosion control, restore property and pay \$12,000 in civil penalties, and approximately 5,000 in investigative costs.
Woodman St	Private owner illegally graded his property and neighbors' property	Criminal complaint filed. Defendant entered guilty plea on 4/3/03 and will be sentenced on 4/24/03. City Attorney seeking investigative costs of approximately \$ 400.00 Owner is submitting mitigation plan and fines to be stayed pending compliance.
Radio Drive	Homeowner graded his backyard. Intermittent stream affected.	Owner hired civil engineer to bring property into compliance. DSD is reviewing the grading plans submitted by engineer.
Republic St	Private property owner excavated a hillside and built a retaining wall without any permits	Criminal Complaint filed and owner pleaded to one misdemeanor count, was placed on three years' probation, required to pay fines and costs, and ordered to obtain all necessary Grading and Building permits for the excavated hillside and retaining wall.
66 th Street	Private property Owner illegally graded on environmentally sensitive land	Criminal complaint filed. Owner pleaded guilty to a misdemeanor and placed on three years' probation. Fines and investigative costs to be paid. Owner required to implement erosion control and seed the property.
Eider Street	Property Owner illegally graded on environmentally sensitive land	Criminal complaint filed. Plea bargain requires fines and investigative costs and obtain a site development permit.
Linnet Street	Private property owner cleared/filled large portions of a 1.34-acre parcel of residential property, and built a retaining wall without any permits. Possible impacts to Steep Hillsides and Sensitive Biological Resources.	City Attorney filed criminal complaint. No plea bargain reached yet.
Hotel Circle Pl.	Owner began development without required Site Development Permit.	Civil Settlement reached. Defendant paid \$35,000 in civil penalties, \$455.12 in investigative costs. Defendant is obtaining a Site Development Permit
Mabon Pl.	Private property owner who illegally graded environmentally sensitive land on property.	City Attorney meeting with property owner
Torrey Highlands	Developer illegally graded 36 acres of sensitive habitat without permit.	Case settled civilly. Defendant paid \$225,000 to Land Acquisition Fund and \$121,000 in fines and costs.
Trenton Avenue	Private property owner graded on environmentally sensitive land	Owner pleaded guilty to misdemeanor and placed on three years' probation. Investigative costs paid. \$1000.00 fine partially stayed pending compliance. Public work service suspended pending compliance. Owner is required to implement erosion control and obtain required permits.

